

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4246

IN THE MATTER OF:

Served February 14, 1994

Application of M.R. HOPKINS)
TRANSPORTATION SERVICES, INC.,)
Trading as M.R. HOPKINS)
TRANSPORTATION, for a Certificate)
of Authority -- Irregular Route)
Operations)

Case No. AP-94-03

By application filed February 9, 1994, M.R. Hopkins Transportation Services, Inc., trading as M.R. Hopkins Transportation (Hopkins or applicant), a Maryland corporation, seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant proposes commencing operations with a 9-passenger van. Applicant's proposed tariff contains rates for service pursuant to a federal agency contract.

Contrary to applicant's description of its vehicle, Exhibit C, the vehicle safety inspection certificate, indicates that applicant's vehicle seats 16 passengers or more. Applicant will be directed to explain this discrepancy or amend its application to request operating authority unrestricted as to vehicle size.

Applicant's Exhibit D, the proposed tariff, is incomplete. Applicant will be directed to file the entire contract.

Applicant's Exhibit E, the balance sheet, lists cash as applicant's only asset, yet Exhibits F and G, the profit and loss statement and projected operating statement, respectively, appear to show no lease expense for office space and equipment. Exhibit E shows no payroll tax liability, yet Exhibits F and G show FICA tax expense. The attachment to Exhibit E indicates that applicant leases all vehicles, yet Exhibits F and G show an entry for "VEHICLE - INTEREST" expense. Exhibit F shows a 1993 net profit of \$26,546, yet Exhibit E shows retained earnings of only \$3,553. Exhibits F and G show tax expense of \$100, yet in light of the 1993 profit and unless applicant is a Subchapter S corporation with no real estate holdings, this entry appears understated. Overall, assets, liabilities and expenses appear misstated. Applicant will be directed to explain these apparent discrepancies and/or file amended financial statements.

In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit,

willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is consistent with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of Hopkins's application for a certificate of authority.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than Thursday, February 24, 1994, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than Thursday, February 24, 1994, an original and four copies of an affidavit explaining the seating capacity discrepancy between applicant's vehicle description and Exhibit C, or a request for operating authority unrestricted as to vehicle size.

3. That applicant shall file with the Commission, no later than Thursday, February 24, 1994, an original and four copies of the entire contract filed as Exhibit D.

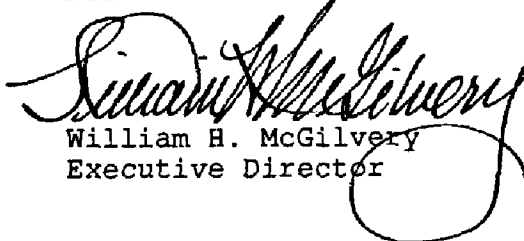
4. That applicant shall file with the Commission, no later than Thursday, February 24, 1994, an original and four copies of an affidavit explaining the apparent discrepancies in applicant's financial statements as described above and/or amended financial statements addressing those discrepancies.

5. That applicant shall file with the Commission, no later than Thursday, March 17, 1994, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

6. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Thursday, March 17, 1994, and shall simultaneously serve a copy of such protest or comment on applicant's representative, Mr. Rene Ferragut, Baltimore Minority Business Development Center, 301 N. Charles Street, Baltimore, MD 21201.

7. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than Thursday, March 17, 1994, and shall simultaneously serve a copy of such request on applicant's representative, Mr. Rene Ferragut, Baltimore Minority Business Development Center, 301 N. Charles Street, Baltimore, MD 21201.

FOR THE COMMISSION:


William H. McGilver
Executive Director